

Date Mailed
May 16, 2000

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Complaint of Wisconsin Gas Company Against the
Village of Germantown, Wisconsin

9300-GI-100

**NOTICE OF PROCEEDING
AND
INVESTIGATION AND ASSESSMENT OF COSTS
AND
PREHEARING CONFERENCE**

Prehearing Conference Date:	Tuesday, June 6, 2000, 10:00 a.m.
Conference Location:	Public Service Commission, 610 North Whitney Way, Madison, WI (Amnicon Falls Hearing Room - 1st Floor)

THIS IS A PROCEEDING TO determine whether, under Wis. Stat. § 196.58, the Village of Germantown, WI (Village) \$200.00 permit fee for street excavation pursuant to Germantown Ordinance § 8.06, as applied to Wisconsin Gas Company (WGC) unreasonably disrupts the ordinary and necessary activities associated with providing gas utility services to residents and businesses located in the Village of Germantown. This proceeding is a Class 1 proceeding as defined in Wis. Stat. § 227.01(3)(a).

On February 25, 2000, WGC submitted a complaint to the Commission against the Village. WGC claims that Village officials, since October of 1998, have targeted WGC for stringent enforcement of Village regulations related to street excavation permits. In particular, WGC complains that Germantown Ordinance § 8.06(2) requiring that a \$200 nonrefundable fee be paid in advance of the issuance of the required street excavation permit, as applied to WGC, violates Wis. Stat. §§ 66.045 and 182.017 and is unreasonable, arbitrary and not related to actual right-of way permitting costs incurred by the Village. For the reasons stated above, WGC asks the Commission to declare Germantown Ordinance § 8.06(2) void and unenforceable against WGC as a public utility under Wis. Stat. § 196.58(4).

NOTICE IS GIVEN that the Commission will hold a prehearing conference on Tuesday, June 6, 2000, in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, and continuing at times to be set by the presiding Administrative Law Judge. This building is accessible to people in wheelchairs

through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations should contact the case coordinator listed below.

The prehearing conference is being held to: 1) rule on requests to become parties; 2) determine if issues of fact exist; 3) determine if there are facts to which parties can stipulate; 4) determine a hearing schedule; and 5) determine any other matters that will facilitate the hearing.

Parties will be bound by determinations made at the prehearing conference. Parties are the entities named in the caption of this Notice. Any other person desiring to become a party shall file a request with the Administrative Law Judge Jeffery Patzke, pursuant to Wis. Stats. § 227.44(2m).

The Commission considers it necessary, in order to carry out its duties, to investigate all books, accounts, practices, and activities of the applicant. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from the applicant in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the case coordinator listed below.

Questions from the media may be directed to Jeffrey L. Butson, Public Affairs Director at (608) 267-0912.

Questions regarding this matter may be directed to case coordinator Daniel L. Sage at (608) 267-9486.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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